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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,498	08/05/2003	Randall Woods	27593CIP	7062
33357 ABBOTT ME	7590 04/14/2009 DICAL OPTICS, INC.		EXAMINER	
1700 E. ST. A	NDREW PLACE		MATTHEWS, WILLIAM H	
SANTA ANA,	, CA 92/05		ART UNIT	PAPER NUMBER
			3774	
			MAIL DATE	DELIVERY MODE
			04/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/634,498	WOODS ET AL.	
Examiner	Art Unit	
William H. Matthews (Howie)	3774	

	William H. Matthews (Howie)	3774					
The MAILING DATE of this communication appe	ars on the cover sheet with the o	orrespondence add	ress				
HE REPLY FILED 11 March 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.							
 N The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Apper for Continued Examination (RCE) in compliance with 37 C periods: 	replies: (1) an amendment, affidavi eal (with appeal fee) in compliance	t, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request				
a) The period for reply expires 4 months from the mailing date	of the final rejection.						
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire Is Examiner Note: If box 1 is checked, check either box (a) or (MONTHS OF THE FINAL REJECTION. See MPEP 706.07()	ater than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE	date of the final rejection	n.				
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filled is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee hause for 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filled, may reduce any exemple patient term adjustment. See 37 CFR 1.736(b).							
NOTICE OF APPEAL 2. ☐ The Notice of Appeal was filed on A brief in comp	liance with 37 CEP 41 37 must be t	iled within two months	of the date of				
filing the Notice of Appeal (37 CFR 41.37(a)), or any exter Notice of Appeal has been filed, any reply must be filed wi	sion thereof (37 CFR 41.37(e)), to	avoid dismissal of the					
AMENDMENTS							
 The proposed amendment(s) filed after a final rejection, t They raise new issues that would require further cor They raise the issue of new matter (see NOTE below 	nsideration and/or search (see NOT w);	E below);					
(c) ☑ They are not deemed to place the application in better appeal; and/or			ne issues for				
(d) ☐ They present additional claims without canceling a c NOTE: (See 37 CFR 1.116 and 41.33(a)).	corresponding number of finally reje	ected claims.					
4. The amendments are not in compliance with 37 CFR 1.12 The amendments are not in compliance with 37 CFR 1.12	21 See attached Notice of Non-Co	mnliant Amendment (PTOL-324)				
 Applicant's reply has overcome the following rejection(s): 		ripliant Amendment (F TOL-324).				
Newly proposed or amended claim(s) would be all non-allowable claim(s).		imely filed amendmer	nt canceling the				
7. \(\) For purposes of appeal, the proposed amendment(s); a) I how the new or amended claims would be rejected is prov The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-7.10 and 12-31.		be entered and an ex	xplanation of				
Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE							
Improvements the service of the afficient of the service of the afficient failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e).							
 The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to o showing a good and sufficient reasons why it is necessary 	vercome <u>all</u> rejections under appea and was not earlier presented. Se	and/or appellant fail ee 37 CFR 41.33(d)(1	s to provide a).				
 The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER 	n of the status of the claims after er	ntry is below or attach	ed.				
 The request for reconsideration has been considered but 	does NOT place the application in	condition for allowan	ce because:				
12. Note the attached Information Disclosure Statement(s). (13. Other:	PTO/SB/08) Paper No(s)						
	/William H. Matthews/ Primary Examiner						

Art Unit: 3774

U.S. Patent and Trademark Office